

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**ARTHUR A. AICKLEN, JR., AND
FRANCES G. AICKLEN
V.
STATE FARM FIRE and CASUALTY
COMPANY**

PLAINTIFFS

CIVIL ACTION NO. 1:06:CV1233LTS-RHW

DEFENDANTS

**DAVID G. COVERDALE
AND CAROL S. COVERDALE
V.
STATE FARM FIRE and CASUALTY
COMPANY**

PLAINTIFFS

CIVIL ACTION NO. 1:06:CV654-LTS-RHW

DEFENDANTS

**ROBERT O. COWART AND
YVONNE M. COWART
V.
STATE FARM FIRE and CASUALTY
COMPANY**

PLAINTIFFS

CIVIL ACTION NO. 1:06:CV651LTS-RHW

DEFENDANTS

**CHARLES DERBES AND DENICE DERBES
V.
STATE FARM FIRE and CASUALTY
COMPANY**

PLAINTIFFS

CIVIL ACTION NO. 1:07:CV7LTS-RHW

DEFENDANTS

**JAMES D. EVANS
V.
STATE FARM FIRE and CASUALTY
COMPANY**

PLAINTIFFS

CIVIL ACTION NO. 1:06:CV1159LTS-RHW

DEFENDANTS

**PARKER V. EVANS
V.
STATE FARM FIRE and CASUALTY
COMPANY**

PLAINTIFFS

CIVIL ACTION NO. 1:06:CV1160LTS-RHW

DEFENDANTS

LYNN J. GRIMES AND SAMUEL G. GRIMES PLAINTIFFS
V. CIVIL ACTION NO. 1:07:CV70LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

TIM HOPE AND BETTY A. HOPE PLAINTIFFS
V. CIVIL ACTION NO. 1:06:CV415LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

THOMAS R. KELLOGG AND LORIE L. KELLOGG PLAINTIFFS
V. CIVIL ACTION NO. 1:06:CV533LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

JERRY W. KELLY d/b/a ROYAL PINE APARTMENTS PLAINTIFFS
V. CIVIL ACTION NO. 1:06:CV858LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

JERRY W. KELLY AND MARILYN C. KELLY PLAINTIFFS
V. CIVIL ACTION NO. 1:06:CV862LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

MARK MCNALLY PLAINTIFFS
V. CIVIL ACTION NO. 1:07:CV72LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

GENE C. REICH AND VERA REICH PLAINTIFFS
V. CIVIL ACTION NO. 1:06:CV1134LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

JAMES T. WARD AND CHERYL WARD	PLAINTIFFS
V.	CIVIL ACTION NO. 1:06:CV672LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

DAVID WELLS AND EILA WELLS	PLAINTIFFS
V.	CIVIL ACTION NO. 1:06:CV1135LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

SHIRLEY D. WILLIAMS	PLAINTIFFS
V.	CIVIL ACTION NO. 1:07:CV84LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

RICHARD ALARCON	PLAINTIFFS
V.	CIVIL ACTION NO. 1:06:CV225-LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

WILLIAM T. HIGDON, III	PLAINTIFFS
V.	CIVIL ACTION NO. 1:06:CV94LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

RICHARD MULLER AND NANCY MULLER	PLAINTIFFS
V.	CIVIL ACTION NO. 1:06:CV95LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

DONALD D. THOMAS	PLAINTIFFS
V.	CIVIL ACTION NO. 1:06:CV639LTS-RHW
STATE FARM FIRE and CASUALTY	
COMPANY	DEFENDANTS

FORREST STEVENS AND KELLY STEVENS
V. CIVIL ACTION NO. 1:06:CV175LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

FRANK THERRELL AND MARIE C. THERRELL
V. CIVIL ACTION NO. 1:06:CV151LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

JOSEPH LYNN DAVIES AND KATHLEEN DAVIES
V. CIVIL ACTION NO. 1:06:CV183LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

IRAKLIS GEROGIANNIS AND SHEILA BARBOLI
GEROGIANNIS
V. CIVIL ACTION NO. 1:06:CV942LTS-RHW
STATE FARM FIRE and CASUALTY
COMPANY DEFENDANTS

**STATE FARM'S EMERGENCY MOTION TO COMPEL
RETURN OF INADVERTENT PRODUCTION**

COMES NOW, the Defendant, State Farm Fire and Casualty Company (hereinafter "State Farm"), by and through one of its attorneys of record, Allen, Cobb, Hood & Atkinson, P.A., and for good cause and in good faith files this its Emergency Motion to Compel Return of Inadvertent Production applicable to all cases filed on behalf of clients of Owen, Galloway and Myers, and in support of same would respectfully show unto this Court the following, to-wit:

I.

Judge Senter issued an order in response to David Haddock's non-party motion

regarding the Plaintiffs' request for production of the David Haddock CAT PL documents. The Order issued July 18, 2007 ordered State Farm to produce the documents within three days while also ruling on the motions filed by Haddock's counsel. On July 18, 2007 without knowledge that David Haddock intended to appeal the order, local counsel for State Farm produced the subject. Upon learning of the intent to appeal the Order requiring production by David Haddock's counsel, local counsel requested return of the documents and was advised that the documents would not be returned.

In the Case Management Order re: Coordinated Document Production and Discovery, this Court addressed the inadvertent disclosure of documents. As the issue of whether or not the collection of documents is privileged is the subject of further appeal by David Haddock's personal counsel, State Farm would request that the procedure outlined in the Case Management Order be followed and that the electronic copy of the documents be returned to State Farm. The Case Management order states that "[n]o use whatsoever may be made of an inadvertently produced privilege image or of any information contained therein until such time as the producing party withdraws the claim of privilege." State Farm asserts that the claim of privilege has not been withdrawn and that the Plaintiffs should be barred from using the documents for any purpose whatsoever, pending expiration of the period for filing an appeal by David Haddock, individually.

WHEREFORE, PREMISES CONSIDERED, State Farm respectfully requests that this Court enter an order requiring the Plaintiffs to return or destroy the inadvertent production due to the pending appeal by David Haddock.

RESPECTFULLY SUBMITTED, this 20th day of July, 2007.

STATE FARM FIRE & CASUALTY COMPANY
Defendant

BY: ALLEN, COBB, HOOD & ATKINSON, P.A.

BY: s/ Margaret P. McArthur
HARRY R. ALLEN, MSB #1364
MARGARET P. MCARTHUR, MSB#100020

ALLEN, COBB, HOOD & ATKINSON, P.A.
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Gulfport, MS 39502-4108

CERTIFICATE OF SERVICE

The undersigned counsel does hereby certify that I have this day served a true and correct copy of the above and foregoing **MOTION TO COMPEL RETURN OF INADVERTENT PRODUCTION**, via electronic service to the following:

**Ben F. Galloway
Owen and Galloway
1414 25TH Avenue
Gulfport, MS 39501**

SO CERTIFIED, this the 20th day of July, 2007.

**s/ Margaret P. McArthur
HARRY R. ALLEN
MARGARET P. MCARTHUR**

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